IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 6647 of 2004

Between:

M/s Shiva Shankara Theatre, 16-1-485, Saidabad, Hyderabad-59,

Rep. By its Managing Partner, Sri M.Chandraiah

..... PETITIONER

AND

1 Commissioner of Police Hyderabad City Police
Hyderabad
2 The Vice Chairman & Managing Director,
Hyderabad Urban Development Authority (HUDA) HUDA complex,

Begumpet, Hyderabad
3 The Secretary -Home
Govt. of Andhra Pradesh, Secretariat, Hyderabad
4 The Secretary - Municipal & Administration
Govt. of Andhra Pradesh, Secretariat, Hyderabad.
5 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad
(R5 is impleaded as per Court Order dated 27-08-2004 in WPMP 19494/2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction declaring that the petitioner is entitled for grant of permission for construction of Cinema Building and also grant to No. Objection Certificates and also that there is a deemed

permission in favour of the petitioner by declaring the inaction of the respondents as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

Questioning the inaction of the respondents, the present writ petition is filed by the petitioner seeking writ of mandamus declaring that the petitioner is entitled for grant of permission for construction of cinema building and for grant of No Objection Certificate and also that there is a deemed permission in its favour.

The Commissioner, Municipal Corporation of Hyderabad was impleaded as the 5th respondent. This Court by order dated 27.8.2004 in W.P.M.P.No.20096 of 2004 has directed the 5th respondent not to interfere with the construction of the petitioner pending disposal of the writ petition.

Sri E.Manohar, learned senior counsel appearing for the petitioner submits that the points involved in this writ petition have already been adjudicated in another W.P.No.1268 of 2005 filed by the petitioner and as such no further orders are necessary in this matter.

It is pertinent to note that the said W.P.No.1268 of 2005 is allowed on 17.3.2005 with the following directions:

a. The memos dated 25.11.2004 and 30.12.2004 are held untenable and accordingly set aside.

b. The respondent shall pass appropriate orders as regards the grant of No Objection Certificate under Rule 8-A, in favour of the petitioner, on the basis of the application made by it, on 31.10.2003, within a period of four weeks from the date of receipt of a copy of this judgment. If the petitioner is under obligation to comply with any steps, the same shall be communicated to it, within a reasonable time.

c. In case, the respondent issues a No Objection Certificate on consideration of the application of the petitioner, he shall also consider the feasibility of granting permission to construct the cinema building, without insisting on, submission of the fresh application. In this regard, it shall be open to the respondent to insist upon the petitioner to comply with such requirements, as are provided for, under the Rules. The building as it stands now, shall also be examined and verified, to arrive at a conclusion as to whether it conforms to the requirement under appendix-1 etc. If any additional structures are required to be made, or alternations are to be effected, the respondent shall intimate the same through a written order, duly stipulating the time. The final decision in this regard shall be communicated to the petitioner, within eight weeks from the date of grant of No Objection Certificate, if any as a consequence of the exercise indicated in the preceding paragraph.

d. There shall be no order as to costs.

In view of the aforesaid directions, no orders are necessary in the present writ petition.

The writ petition is, accordingly, disposed of. No order as to costs.

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(V.ESWARAIAH, J.)

29.3.2005

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To

1 Commissioner of Police Hyderabad City Police
Hyderabad
2 The Vice Chairman & Managing Director,
Hyderabad Urban Development Authority (HUDA) HUDA complex,

Begumpet, Hyderabad
3 The Secretary -Home
Govt. of Andhra Pradesh, Secretariat, Hyderabad
4 The Secretary - Municipal & Administration
Govt. of Andhra Pradesh, Secretariat, Hyderabad.
5 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad

6. 2 copies to the Govt. Pleader for Home, High Court Buildings, Hyderabad.

7. 2 C.D. copies